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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,587	11/24/2003	Dinesh Chopra	M4065.0152/P152-C	1234
24998	7590	07/27/2006	EXAMINER	
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			MORGAN, EILEEN P	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/718,587

Applicant(s)

CHOPRA ET AL.

Examiner

Eileen P. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 35-48 and 55-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-48, 55-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 35,36,40-45,47-48,55-59 rejected under 35 U.S.C. 102(e) as being anticipated by Shendon et al.-5,775,983.

Shendon discloses conditioning a glazed polishing pad with a conditioner having coaxially aligned roller segments (102,104) having a knurled surface of different heights and applied at different pressures for various conditioning of pad (col. 5, lines 20, 25, col. 6, line 65), wherein the roller segments rotate at various speeds (col. 7, line 24), the tool (100) being movable transversely to pad via (512), wherein said pad (603) is moved relative to roller segments (col. 4, line 7), and wherein a roller can be non-cylindrical (716). The conditioning device is adjustable, such as by making different patterns and using different forces to embed pattern. This conditioning operation is directly related to the surface characteristics of the workpiece. Col. 1, lines 15-56 state, that the condition of the pad effects the uniformity and material removal rate of the workpiece. When the rate decreases and uniformity is not accurate, the pad must be conditioned.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 37 and 38 rejected under 35 U.S.C. 103(a) as being unpatentable over Shendon, alone.

Shendon discloses the claimed invention, as stated above, but does not disclose the particulars of the driving arrangement of the rollers. However, to have a drive shaft with gears to rotate a roller would have been an obvious design choice since this configuration is old and well-known in the art and would be within the level of ordinary skill.

Claims 39, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shendon in view of Labunsky et al.-6,086,460.

Shendon discloses the claimed invention, as stated above, but does not disclose the rollers moving longitudinal with respect to a polishing web nor being driven electrically. However, Labunsky teaches conditioning a polishing web with a cylindrical roller that is driven by a motor and capable of longitudinal movement (Summary). Therefore, it would have been obvious at time invention was made to one of ordinary skill in the art to provide the conditioner of Shendon with longitudinal movement to be able to be used on a polishing web and to condition all areas of pad, as taught by

Labunsky, and to provide the rollers of Shendon with motors, as taught by Labunsky, in order to precisely control speed of rollers for more accurate conditioning.

***Response to Arguments***

Applicant's arguments filed 5-15-06 have been fully considered but they are not persuasive. On pages 6-7, Applicant alleges that Shendon does not disclose 'moving the glazed polishing surface relative to roller segments at a predetermined rate.' However, it is very clear from the specification of Shendon that the rollers rotate and move (via 512) relative to glazed pad and for moving glazed pad relative to rollers. Col. 6 discusses this matter at line 48, which states the 'pad is rotated' and shown in Figure 1 by arrow. Applicant also states that the conditioner is not adjustable relative to workpiece surface measurements. However, it is inherent to condition a pad when the polishing is producing inadequate results on a workpiece due to glazing and furthermore the conditioner is adjustable by being used for one revolution of pad or by being used for several rotations of pad dependent on many variables such as pad non-uniformity. The conditioner may also be adjusted with different pressures and patterns (claim 55 limitation) to be embedded in pad to achieve different results on the pad and thus on the workpiece. (col 6, line56-col. 7, line 4).

On page 8, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does

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not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

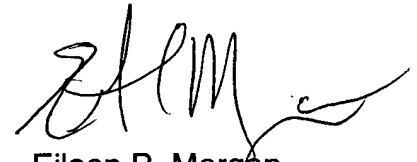
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eileen P. Morgan whose telephone number is 571.272.4488. The examiner can normally be reached on Monday-Thursday, 7am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571.272.4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EM  
July 23, 2006



Eileen P. Morgan  
Primary Examiner